

The Leesburg Planning Commission met on Thursday, October 6, 2005 in the Council Chambers, 25 West Market Street, Leesburg, Virginia. Staff members present were Susan Swift, Christopher Murphy, Brian Boucher, Bill Ackman, Calvin Grow, John Johnston, Barbara Beach and Linda DeFranco

CALL TO ORDER

The meeting was called to order at 7:00pm by Chairman Wright

PLEDGE OF ALLEGIANCE AND ROLL CALL

Present: Chairman Wright
Commissioner Bangert
Commissioner Barnes
Commissioner Hoovler
Commissioner Kalriess
Commissioner Moore

Commissioner Burk and Mayor Umstattd were absent.

ADOPTION OF AGENDA

Commissioner Barnes moved to adopt the agenda as presented.

Motion: Barnes
Second: Kalriess
Carried: 4-0-3

Commissioners Bangert and Hoovler were not present for this vote.

APPROVAL OF MINUTES

Commissioner Barnes moved to adopt the minutes of the September 1, 2005 and September 15, 2005.

Motion: Barnes
Second: Kalriess
Carried: 4-0-3

CHAIRMAN'S STATEMENT

Chairman Wright reviewed tonight's agenda, setting out the time limits for the petitioner's session.

PETITIONERS

None

PUBLIC HEARING

None

ZONING

TLSE-2005-0002, B&M Motorcars to permit vehicle sales in the B-3 Zoning District at 911 Edwards Ferry Road. Christopher Murphy presented the staff report that outlined the concerns that staff still has regarding this application, mainly the driveway entrance improvements, landscaping and loading space issue. Staff is recommending a turn lane be added to enter into this property, the traffic signal mast arm poles be relocated and that signal modifications are made, striping and signage improved and physical improvements to the existing curb and gutter, storm drains, and pavement widths. The loading space, as presented, does not meet minimum Zoning Ordinance requirements and needs to be readdressed. The Buffer yards were recommended for modification because of the residential uses that are adjacent to this business use.

Calvin Grow, the Town's Traffic Engineer, came forward to further explain the entrance problems. He emphasized the difficulty that this roadway causes on the public roads it spills into. Chairman Wright asked about the current exit and what was there. Mr. Grow explained that he definitely recommends a right turn lane and a lane to go straight coming out of the area as well as going into the area.

Commissioner Kalriess asked if he was asking for a decel lane entering into the area? Mr. Grow explained what areas he supported improvements in. He feels that these suggested improvements will keep the traffic flowing on Edwards Ferry Road. Mr. Kalriess went on to ask about the signal timing and if that could improve the service level into the intersection as a level C or close to it. He asked Mr. Grow to explain why different results came out of a similar study. Mr. Grow explained the differing lane widths used contributed to the varying results along with the time of day the studies were done.

Commissioner Barnes asked if B&M doesn't go on this site, do we still have a problem with the traffic in the area? Mr. Grow responded yes, there is an existing problem that will just get worse. Mr. Barnes said the lot could allow a restaurant as a by right use, which would generate much more traffic than this application. There was some further discussion on the number of trips the used car use will generate vs. the possibility of a restaurant.

Susan Swift brought up the question about the private street status of the roadway in question. If the town gets involved in making improvements, then public funds would be used for improvements on a private street.

Commissioner Moore asked what the cost would be to do the required improvements.

Commissioner Bangert asked how many parking spaces would be lost by pushing back the curb. She went on to ask if the timing of the light can be changed without negatively affecting the traffic light on the bypass? Mr. Grow said the coordination of the lights would impact the entire traffic flow in the area.

Chairman Wright asked about the righthand turn out of the street, is there a real benefit to putting this in? The larger problem is at the intersection of the bypass where the right hand turn cannot be taken. Will this only create more stacking space? Mr. Grow responded this is slated to be a free flow right turn lane which will allow traffic to continue to move through the intersections in question.

Commissioner Barnes asked what changes would be required once these lanes are incorporated. Will the traffic light and street light poles need to be relocated. Mr. Grow responded that yes, they would be relocated. Mr. Barnes asked about the cost and how we ended up with this situation in the first place. Mr. Grow gave some estimates of between \$10K and up to \$100K for a full utility pole. Commissioner Bangert commented that this road is private, shouldn't these costs be borne by the property owners. Attorney Barbara Beach stated that if there is a covenant that requires everyone to contribute, then cost sharing can occur. If this is not in place, then those most impacted will front the bill. Chairman Wright went on to ask how this roadway is maintained. Is this through a management association, or how? The street is owned by the individual lot owners and each owner is responsible for their road portion in front of their lot to the middle of the roadway.

Chris Murphy went on to discuss the concerns about the loading space. It is currently located in front of shop bays for the tire shop. The space is also not the required size for trucks to maneuver properly.

The buffer yards were also a point of discussion. It was suggested that the buffer yard adjacent to the Glenn property be modified to allow for additional landscaping to screen the business application from the apartments. Additionally, it was requested that the paved area in the rear of the building be reduced so that the buffer area for the Banyan Cove development is increased. There are several mature trees that will end up being too close to the brick wall that is proposed. Once the footers are installed, the trees will be in jeopardy.

Commissioner Hoovler asked what the purpose of the paved area in the back was. Mr. Sevilla responded that it was for inventory storage.

Commissioner Barnes asked whether there would be sales of anything but cars, e.g. motorcycles. He stated that if motorcycle sales were part of this application, then he would be reluctant to support it. Mr. Dickerson explained that it would be only cars. Mr. Barnes asked that something to the effect of "automobiles only" be made a part of the agreement.

Commissioner Kalriess asked Mr. Murphy about the paved area they would like to see reduced. He also asked about the buffer width for the Banyan Cove area. Mr. Murphy explained that the 25' buffer zone on each side would be reduced by 1/3 if a wall is put into place. The underground transmission lines complicate the required width at this spot. Mr. Kalriess said he thought that anything but large trees could be planted in the easement. Mr. Murphy explained that if any repairs were required, any plantings would be ripped out. Is there a condition for landscaping replacement that would allow for landscaping on that easement? The response was yes, there is. Is the primary concern about the rear parking area the landscaping buffer size or the fact that cars will be parked there. Susan Swift said that parking is an issue because of the building layout and the use adjacent to residential areas. The site design is not amenable to another use other than auto use. Mr. Kalriess brought up some concern about the future Banyan Cove residents and what they will be subjected to.

There was further discussion on the size of the loading space. The required length is not there, and the major concern is that this would involve a car carrier, which requires additional space to roll out the ramps and unload the vehicles. A parallel spot, such as the one proposed, is not conducive to this type of vehicle and its purpose. Mr. Kalriess asked if they can work with someone else in the area that would provide a better loading area. Mr. Sevila said they have been looking at other areas. Mr. Dickerson commented that this is really a moot point since they never plan to use a car carrier.

Commissioner Bangert said she could not visually figure out how the loading area was depicted on the plan. Mr. Murphy described the coordinates of the plan layout and again reiterated the lack of space. It was also pointed out that the Ordinance requires one loading space for any type of vehicle sales use. She also asked about the existing metal fence by the Glenn and the proposed brick wall. The management at the Glenn has agreed to remove the metal fence so that there will not be an alleyway created between the two barriers.

Robert Sevila, representative for the applicant, came forward to present their position on this application. He restated the issues and the responses to them. Commissioner Kalriess referred to the memo, regarding street tree replacement. It seems that they are limiting the replacement of trees to what is damaged in the stormwater area. Mr. Sevila clarified that to say any trees that are damaged or removed will be replaced.

With regard to conditions, Mr. Sevila referred to the October 6 staff report and said they are in agreement on all of the issues with the exception of conditions 20 and 21. Condition 20 requests an additional lane into the site, relocation of the traffic signal mast arm poles, striping and signage and improvements including pavement widening, curb and gutter, storm drainage, etc. The applicant feels that these are too costly and that the level of service C is already present. Again, the trip generation is so minimal that it would be unfair to ask this applicant to bear the cost burden of these improvements. He went on to discuss the landscape buffer concerns and said they can work through these. He disagreed with Ms. Swift's concern of the future use of this site and went on to say that they will investigate a more suitable site for truck loading.

Commissioner Bangert asked for verification on agreement on conditions with the exception of 20 and 21. Mr. Sevila commented that 17 should also be included as still under discussion, specifically with the 16.7 foot size vs. the 25 foot buffer. Mostly the six improvements at the intersection requested in condition 20 are still points of contention.

Commissioner Kalriess was confused by item 18. Does this affect the south paved area? Which condition addresses getting rid of the paved area? Mr. Murphy said that it does not, but it should address this area. He then asked what the requirement relative to planting was – is it 3” caliper. He asked if the applicant would be willing to consider a minimum 4” caliper tree if the PC allowed the paved area? Mr. Sevila said of course they would be willing to do that.

Commissioner Hoovler asked how close the trees came to the wall. From the plans it looks as though they are right on top. Mr. Dickerson said they certainly will be careful on what trees are selected and will do what they can to prevent footers from harming existing trees.

Commissioner Barnes asked Mr. Sevila if he would write an affidavit to the fact that they will never bring a 50’ trailer to the lot. He feels that the transition to the neighborhood is going smoothly since there are agreements regarding the wall and the landscaping.

Chairman Wright referred to item 20 that addresses the roadway improvements. He hopes that the entire population in the site would be willing to work together to improve the roadway entrance. With regard to the first improvement, a right turn lane into the park, would they be willing to do at least that? Mr. Sevila responded that they might dedicate the frontage to allow the improvements to be made – hopefully it will be an ultimate collaboration of effort to put these improvements in.

At this point Chairman Wright reviewed the comments made as follows: Commissioner Barnes asked that item 13 restrict sales of motorcycles. Mr. Barnes also asked that the loading space never be used by a 50’ tractor trailer. With regard to item 17 the 25 foot width would be reduced to 16.7 feet with the elimination of the paved area, item 20 regarding ingress/egress improvements. He asked Mr. Sevila if he agreed with 21. He responded that he feels that they have addressed the comments of the town’s traffic engineer.

Commissioner Bangert moved to recommend approval based on the reasons stated to accept the conditions as outlined and subsequently discussed, namely number 13 to restrict sales of motorcycles, number 17 to reduce from 25 to 16.67, number 18 to leave in the parking area to the south, and use larger trees (up to 4” caliper); including the ingress easement and addition the condition about never using the loading zone.

Commissioner Kalriess presented a friendly amendment to state item number 13, clarify to say no sales of automobile accessories, and specifically no sales of motorcycles.

Also, under item 18, he feels that this does not need modification and that it addresses the issue as written.

Commissioner Moore stated that this is not in compliance with the new town plan, and therefore he is not in favor of this application.

Commissioner Kalriess supports this highly and thanked everyone for a very fine design. He thinks this is a much better application than what has previously been submitted.

Commissioner Hoovler is not in favor of this application saying that this is too intense of a use. It is not in accordance with the Town Plan and he feels that the future residents of Banyan Cove will have a negative feeling about this use. While the design is attractive, this is not an appropriate use.

Commissioner Barnes stated that the neighbors seem to be in favor of this application by working with the applicant to make coordinated changes. He would like to see the business stay in Leesburg and supports the application.

Chairman Wright thanked the staff and the applicant. He voiced his support of the application and felt that this was definitely a low impact use and is appropriate to the surrounding uses. He hopes that the applicant can work with other businesses in the park to help rectify some of the issues with regard to ingress and egress.

Motion: Bangert

Second: Barnes

Carried: 4-2-1

SUBDIVISION AND LAND DEVELOPMENT

TLPS-2004-0003, Oaklawn Commercial Sites, Recommendation for Conditional Approval for Oaklawn at Stratford Planned Development. John Johnston introduced Andy Shukra, developer for Oaklawn, who gave a brief presentation.

Mr. Shukra reviewed the lots that they had created within the landbays in advance of potential commercial sites. There are a total of 17 of these lots. The vision is to create a high quality business environment with easy local access. The road network is depicted on the plans, and is a collaborative effort between Oaklawn, the Town and Trip II. It is anticipated that road construction will begin in early 2006 under Phase I of this project. The landbays are also scheduled to begin development in 2006.

Tom McGilloway of Mahan Rykiel Landscape Architects described the unique landscape features that they intend to incorporate into this development. They want to incorporate hedgerows, etc. that are characteristic to Loudoun County along the roadways and at the gateways to the site.

John Johnston, Senior Planner, came forward to present the history and background of this application. Basically the request is to subdivide two existing lots equaling 99.81 acres into 17 commercial lots. At issue is a variation request for frontage improvements along Tolbert Lane and to conform with the Oaklawn at Stratford Rezoning. Staff recommends approval of the subdivision of the lots and the variation.

Commissioner Kalriess asked for clarification on whether they were approving the preliminary plat. Mr. Johnston replied that yes, they were.

Commissioner Bangert moved that Section 13-73(g), and Section 13-78(a), of the Leesburg Subdivision and Land Development Regulations requiring frontage improvements along the north side of Tolbert Lane for the Oaklawn Commercial Sites Preliminary Subdivision Plat be waived since this segment of Tolbert Lane will no longer be used for public access, but will be limited to emergency and maintenance traffic associated with the Leesburg Executive Airport.

Motion: Bangert

Second: Hoovler

Carried: 6-0-1

Commissioner Bangert moved that the Oaklawn Commercial Sites Preliminary Subdivision Plat received by the Department of Planning, Zoning and Development on July 8, 2005, be approved conditioned upon the applicant satisfying the Department of Engineering and Public Works 2nd submission review comments dated September 9, 2005, and revised September 19, 2005, as agreed to by the applicant in a letter dated September 27, 2005.

Motion: Bangert

Second: Moore

Carried: 6-0-1

COMPREHENSIVE PLANNING

None

COUNCIL AND REPRESENTATIVES' REPORT

None

STAFF AND COMMITTEE REPORTS

Susan Swift gave a report on TLZM-2005-0001, Harrison Park Schedule. This is to propose a zoning map amendment and a zoning text amendment to have this area incorporated into the H-1 district. This will be coming before the Council at it's next meeting.

Commissioner Hoovler asked what was driving the schedule. Ms. Swift said it was the application that will come before the commission on November 3 for public hearing. They would like all of the recommendations in place prior to this meeting. Mr. Hoovler asked if there would be any joint meetings with Council scheduled? Ms. Swift said this would probably not be necessary.

Commissioner Bangert asked if anyone had attended the October 4 meeting? The response was that there was no town representation at that meeting.

Chairman Wright attended the BAR meeting at which Mitchell and Best gave a presentation on their desire to have the property incorporated into the H-1 District.

OLD BUSINESS

Chairman Wright asked about the review process and whether there had been anything drafted on the Ted Kalriess recommendation. Ms. Swift responded that Town Attorney Barbara Beach will be assisting with this, so at present it has been delayed. Chairman Wright asked that this not be held up too long and that an outline of any concerns be provided to the Commission soon. Ms. Swift said that at the next meeting, the town attorney will be doing a presentation on legal issues and this will be a point of discussion at that time.

Commissioner Kalriess stated that it is essential that something be done with this process immediately. Their ability to use smart growth response in the UGA/JLMA area is dependent on this.

Commissioner Moore asked why they can't just redline and blackline proffers and send them back rather than initiate a separate document each time. Ms. Swift responded that because of the way that laws are written, they necessitate a separate review document.

Commissioner Bangert commented on a letter in the packet regarding CPAMs. She asked if these were discussed by the transportation staff and whether they submitted any comments. Ms. Swift said these were two planning districts away, and the information that was provided precluded a determination by the Town. Ms. Bangert cited the number of trips that will be generated and said this would impact Leesburg. She would like to see better coordination between the two transportation departments to determine impacts. Ms. Swift said she doesn't think there was a study done on the traffic impacts, a reason they can't comment on it. Ms. Bangert said that no response makes it look like Leesburg doesn't care about the impact.

Commissioner Hoovler agreed with Ms. Bangert and said that in the future there needs to be a request for detailed studies so that comment can be made, even if the request is in a district further removed from Leesburg. Not commenting denotes non interest, and that is not the case.

Ms. Swift said they made an informed decision based on information supplied. It is an area not even near the UGA. Mr. Hoovler said that given the amount of density, it will impact Leesburg through traffic or some other way.

Commissioner Kalriess asked when the next meeting would be on the Crescent District Master Plan. Ms. Swift said they were to give comments on the land use matrix and to date she had not received any. The consultant will be in the week of October 10th to make sure they are on track. The BAR was asked to help the consultant come up with architectural design and character for the area. Again Ms. Swift asked that the Commission comment on the matrix. Mr. Kalriess asked if there would be any more public sessions on this master plan. Ms. Swift responded that there will be once the draft has been finalized. Ms. Kalriess then asked if someone could come in and provide pros and cons of TIF funding. What are the ups and downs of this. Ms. Swift said this is a part of the draft and she can ask them to pull it and provide it to the Commission. Commissioner Hoovler said he would like to see this and share it with the Economic Development Commission. Mr. Kalriess has several concerns about adjacencies and traffic impacts of various sites.

There was some discussion on the FOIA generated emails that the Commission was requested to supply regarding the Meadowbrook application.

NEW BUSINESS

Commissioner Kalriess asked about new financial software that would allow staff to provide an economic analysis on applications. Commissioner Bangert said she thought this was relevant to the CIP. Mr. Kalriess said his concern is an applicant's economic study that implies a certain impact and how they can confirm its accuracy. He would like to see the figures behind the facts that are being presented. Ms. Swift said that currently the Director of Economic Development reviews them and comments on the tax impacts presented. As far as the software is concerned, until the integrated management system is in place, this will be delayed. Once we have data collected through this system, then we can consider the software. Mr. Kalriess said that he is glad that there is a system of checks and balances and looks forward to a more comprehensive system. This information will be helpful in applications such as the Crescent District redevelopment.

ADJOURNMENT

The motion was made a seconded to adjourn at 10:01pm.

Presented by:

Approved by:

Linda DeFranco, Commission Clerk

Kevin Wright, Chairman

